

**REMARKS/ARGUMENTS**

Upon entry of this amendment, which amends claims 1, 3, and 19, claims 1-3, 5-13, and 15-19 remain pending. Support for all amended claims can be found in the specification, and no new matter has been added.

In the Office Action to which this paper is responsive, claims 1-3, 5-13, and 15-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Doerre et al. (U.S. Patent No. 6,446,061) in view of Chakrabarti et al. (U.S. Patent Pub. No. 2001/0039544). Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

**Error Correction in Claims**

The foregoing amendments include correction of minor grammatical errors discovered in the claims. In particular, in claim 3, "comprising" has been corrected to "comprises." In claim 19, several instances of "includes" have been corrected to "including," and a punctuation error has also been corrected. These corrections are not believed to affect the scope of the claims.

**Rejection of Claims 1-3, 5-13, and 15-19 under 35 U.S.C. §103(a)**

Claims 1-3, 5-13, and 15-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Doerre et al. (U.S. Patent No. 6,446,061) in view of Chakrabarti et al. (U.S. Patent Pub. No. 2001/0039544). Referring to independent claim 1, the rejection asserts that Doerre discloses all features recited in the claim except an act of "determining a resulting organization structure based upon the processing of the plurality of items, the initial organization structure, and the information in each of the items, the resulting organization structure comprising at least a portion of the initial organization structure and at least one additional category coupled to the initial organization structure." The rejection asserts that Chakrabarti teaches this act and that it would have been obvious to combine Doerre with Chakrabarti. Claims 11 and 19, the only other independent claims at issue, were rejected on a similar rationale. Applicants respectfully traverse, in view of clarifying amendments to claims 1, 11, and 19.

Claim 1

Claim 1 has been amended to clarify that the determining step is performed automatically, "using at least the processing hardware." This amendment makes explicit the automatic nature of the determining step.

The Examiner has conceded that Doerre does not disclose or suggest a determining step, let alone one performed automatically using processing hardware. Applicant submits that Chakrabarti also fails to disclose or suggest such a step. Chakrabarti teaches a method and system "for enabling a user to develop a personalized, frame-based, hierarchical information classification structure" (Chakrabarti, ¶[0061] at p.6). The user manually selects one or more frames to be automatically populated with information and can interactively modify the frame-based hierarchical structure, e.g., by manually adding another frame (Chakrabarti, ¶[0080] at p. 7; see also ¶[0083] at p. 8, describing a user interface for interactive modification). Thus, Chakrabarti discloses only that a user can *manually* modify an organization structure, in particular by adding a new frame, and fails to disclose or even suggest "automatically determining using at least the processing hardware a resulting organization structure" that includes at least one additional category as recited in amended claim 1. Thus, the combination of Doerre and Chakrabarti fails to disclose or suggest all features of claim 1.

For at least this reason, claim 1 is patentable over Doerre and Chakrabarti. Claims 2, 3, and 5-10, which depend from claim 1, derive patentability therefrom.

Claim 11

Like claim 1, claim 11 has been amended to clarify the automatic nature of the determining step. As amended, claim 11 recites, in part, " a fourth code directed to automatically determining a resulting organization structure based upon the processing, the resulting organization structure comprising at least a portion of the initial organization structure and at least one additional category coupled to the initial organization structure." As explained above with reference to claim 1, Chakrabarti fails to teach or suggest a code directed to "automatically determining a resulting organization structure" that includes at least one additional category, and it is agreed that Doerre also does not teach or suggest the determining step. Thus, the combination of Doerre and Chakrabarti fails to disclose or suggest all features of claim 11.

For at least this reason, claim 11 is patentable over Doerre and Chakrabarti. Claims 12, 13, and 15-18, which depend from claim 11, derive patentability therefrom.

Claim 19

Like claims 1 and 11, claim 19 has been amended to clarify the automatic nature of the determining step. As amended, claim 19 recites, in part, an act of "automatically determining by the computer a second hierarchy based upon the processing of the plurality of items, the first hierarchy, and the information in each of the items, the second hierarchy including a portion of the first hierarchy and at least one additional category coupled to the first hierarchy." As explained above with reference to claim 1, Chakrabarti fails to teach or suggest that a computer could automatically determine a resulting organization structure that includes at least one additional category, and it is agreed that Doerre also does not teach or suggest a determining step. Thus, the combination of Doerre and Chakrabarti fails to disclose or suggest all features of claim 19. For at least this reason, claim 19 is patentable over Doerre and Chakrabarti.

In view of the foregoing, withdrawal of the rejection of claims 1-3, 5-13, and 15-19 is respectfully requested.



Application No. 10/017,504  
Amendment dated November 5, 2005  
Reply to Office Action of May 5, 2005

PATENT

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

Cathy E. Cretsinger  
Reg. No. 51,588

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
Attachments  
CEC:mcg  
60597045 v1